

Message Text

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53

ACTION OES-06

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00
ACDA-10 AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00
CIEP-02 COME-00 DLOS-06 DODE-00 DOTE-00 EB-07 EPA-04
ERDA-07 FEAE-00 FMC-02 TRSE-00 H-01 INR-07 INT-05
IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02
PM-04 PRS-01 SP-02 SS-15 SAL-01 OIC-02 /128 W

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O R 061821Z DEC 76

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 8211

INFO AMEMBASSY WARSAW

AMEMBASSY COPENHAGEN

UNCLAS MADRID 9211

FROM USDEL ICNAF

FOR OES ASSISTANT SECRETARY IRVING AND OES/OFA BUSBY

E.O. 11652: N/A

TAGS: EFIS, PO, XN, ICNAF

SUBJECT: TRANSFERS OF FISH BETWEEN U.S. AND POLISH FISHING
VESSELS AT SEA

1. POLISH DELEGATION AT MEETING IN WASHINGTON NOVEMBER 26
AND AGAIN AT ICNAF MEETING TENERIFE HAS RAISED QUESTION
OF PROCEDURES, LAWS AND REGULATIONS WHICH AFFECT THE
SALE AND PHYSICAL TRANSFER AT SEA OF FISH, CAUGHT BY
U.S. VESSELS, FROM U.S. VESSELS TO POLISH VESSELS BOTH
INSIDE AND OUTSIDE THE U.S. 12-MILE CUSTOMS ZONE.

2. QUESTIONS PROCEED FROM DESIRE OF POLES TO PURCHASE
FISH (PRIMARILY HERRING) FROM U.S. VESSELS AT SEA FOR
PROCESSING ON POLISH FACTORY VESSELS SINCE THEY WON'T
HAVE QUOTAS FOR THEIR OWN FISHING VESSELS IN QUANTITIES
THEY DESIRE. SUCH PURCHASES AND TRANSFERS COULD
OCCUR THEORETICALLY IN FOUR WAYS AS FOLLOWS: (A)
FISH CAUGHT, SOLD AND TRANSFERRED BEYOND 12-MILE
CUSTOMS ZONE; (B) FISH CAUGHT BEYOND CUSTOMS ZONE
BUT SOLD AND TRANSFERRED INSIDE CUSTOMS ZONE; (C)
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FISH CAUGHT, SOLD AND TRANSFERRED INSIDE CUSTOMS

ZONE; (D) FISH CAUGHT INSIDE BUT SOLD AND TRANSFERRED OUTSIDE CUSTOMS ZONE.

3. ALTHOUGH U.S. INDUSTRY MAY WELL DECIDE AGAINST ANY SUCH SALE AND TRANSFER, POLES WANT TO KNOW GROUND RULES UNDER U.S. LAW. ARE EXPORT LICENSES REQUIRED? WHAT FEES OR TARIFFS ARE INVOLVED? WHICH OF FOUR SCENARIOS LISTED ABOVE, IF ANY, IS PROHIBITED?

4. U.S. DEL HAS INDICATED THAT SCENARIO (A) ABOVE APPEARS TO BE LEGAL AND WOULD NOT INVOLVE EXPORT LICENSES OR FEES BUT THAT WE WOULD PROVIDE DEFINITIVE ANSWERS AS SOON AS POSSIBLE. DEPT. IS REQUESTED TO PROVIDE GUIDANCE IF POSSIBLE PRIOR END OF ICNAF MEETING DECEMBER NINE. STABLER

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NNN

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Margaret P. Grafeld
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